

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

This document relates to:

ASHTON, *et al.* v. AL QAEDA ISLAMIC ARMY, *et al.*,
Case No. 02-CV-6977;
BURNETT, *et al.* v. AL BARAKA INVESTMENT & DEVELOPMENT CORP., *et al.*,
Case No. 03-CV-5738;
CONTINENTAL CASUALTY CO., *et al.* v. AL QAEDA ISLAMIC ARMY, *et al.*,
Case No. 04-CV-5970;
EURO BROKERS, INC., *et al.* v. AL BARAKA INVESTMENT AND DEVELOPMENT CORP., *et al.*,
Case No. 04-CV-7279; and
FEDERAL INSURANCE CO., *et al.* v. AL QAIDA, *et al.*,
Case No. 03-CV-6978.

**Declaration of Alan R. Kabat in Support of
Defendants' Opposition to Plaintiffs' Motion to Compel**

I am an attorney licensed to practice in the District of Columbia and am admitted *pro hac vice* in this matter. I am with the law firm of Bernabei & Wachtel, PLLC, counsel to defendants Dr. Abdullah Al-Turki, Dr. Abdullah Al-Obaid, Dr. Abdullah Naseef, and Dr. Adnan Basha (collectively, “the Four Defendants”). I submit this declaration in support of the Defendants’ opposition to the Plaintiffs’ Motion to Compel (ECF No. 3024) (Sept. 2, 2015), in order to provide additional information on the overlap between the document requests served on the Four Defendants with the document requests served on the Muslim World League (“MWL”) and the International Islamic Relief Organization (“IIRO”).

1. I have compared the “jurisdictional” document requests served on the Four Defendants with the merits document requests served on the MWL and the IIRO, and prepared the attached spreadsheet showing the overlap, *i.e.*, how plaintiffs are seeking the same

documents from both sets of defendants. *See* Spreadsheet (attached and incorporated hereto as Exhibit 1). There were a total of 129 document requests served on the Four Defendants, with the vast majority being served on two, three, or all four of them. *Id.* Of these 129 document requests, at least 97 were also served on the MWL and/or the IIRO, or are otherwise encompassed by similar document requests served on the MWL and/or the IIRO. *Id.* Of the remaining 32 requests served on the Four Defendants, two (Nos. 1 and 4) were satisfied through the production of their resumes; seven requests (Al-Turki Nos. 18-24 and Al-Obaid Nos. 18-21) sought information about their role as government ministers with the Supreme Council of Islamic Affairs and the Saudi Council of Ministers; and six requests (Al-Turki Nos. 110-115; Al-Obaid Nos. 103-108; Basha Nos. 100-105; and Naseef Nos. 96-101) sought information relating to the so-called “Golden Chain.” *Id.* The remaining seventeen non-overlapping requests sought miscellaneous categories of information, many unique to a single defendant. *Id.* As set forth in the Four Defendants’ Objections and Responses (Exhibits 2-5, *infra*), they did not have responsive documents for the thirty non-overlapping document requests.

2. Attached hereto as Exhibit 2 is a true and accurate copy of Defendant Dr. Abdullah Al-Turki’s Objections and Responses to Plaintiffs’ First Set of Jurisdictional Requests for Production of Documents (Nov. 11, 2013), which was used to prepare the spreadsheet. This is in response to 125 document requests.

3. Attached hereto as Exhibit 3 is a true and accurate copy of Defendant Dr. Abdullah Al-Obaid’s Objections and Responses to Plaintiffs’ First Set of Jurisdictional Requests for Production of Documents (Nov. 11, 2013), which was used to prepare the spreadsheet. This is in response to 114 document requests.

4. Attached hereto as Exhibit 4 is a true and accurate copy of Defendant Dr. Adnan

Basha's Objections and Responses to Plaintiffs' First Set of Jurisdictional Requests for Production of Documents (Nov. 11, 2013), which was used to prepare the spreadsheet. This is in response to 111 document requests.

5. Attached hereto as Exhibit 5 is a true and accurate copy of Defendant Dr. Abdullah Naseef's Objections and Responses to Plaintiffs' First Set of Jurisdictional Requests for Production of Documents (Nov. 11, 2013), which was used to prepare the spreadsheet. This is in response to 108 document requests.

6. Attached hereto as Exhibit 6 is a true and accurate copy of Plaintiffs' First Set of Requests for Production of Documents Directed to the Muslim World League (Oct. 28, 2005), which was used to prepare the spreadsheet. This has 89 document requests.

7. Attached hereto as Exhibit 7 is a true and accurate copy of Plaintiffs' First Set of Requests for Production of Documents Directed to the International Islamic Relief Organization (Dec. 13, 2005), which was used to prepare the spreadsheet. This has 107 document requests.

8. Attached hereto as Exhibit 8 is a true and accurate copy of Plaintiffs' Supplemental Set of Requests for Production of Documents Directed to the Muslim World League (Apr. 21, 2006), which was used to prepare the spreadsheet. This has four supplemental document requests.

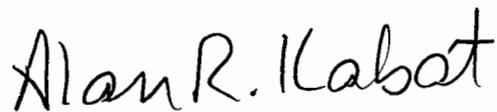
9. Attached hereto as Exhibit 9 is a true and accurate copy of Plaintiffs' Supplemental Set of Requests for Production of Documents Directed to the International Islamic Relief Organization (Apr. 21, 2006), which was used to prepare the spreadsheet. This has four supplemental document requests.

10. Attached hereto as Exhibit 10 is a true and accurate copy of Plaintiffs' Second Supplemental Set of Requests for Production of Documents Directed to the International Islamic

Relief Organization (Jan. 28, 2008), which was used to prepare the spreadsheet. This has 25 supplemental document requests.

11. I have examined the document indexes and responses of the MWL and the IIRO. These defendants have produced documents Bates-stamped IIRO 000001-286648, MWL 00001-58834, and IIROMWL 000001-114255, for a total of 459,737 pages of documents. Counsel for MWL and the IIRO have prepared detailed indexes of many of these documents indicating the document request(s) to which each document is responsive, and have produced those indexes to counsel for the plaintiffs. I have examined those indexes but have not attached them hereto due to their length. Given the substantial overlap between the document requests served on the Four Defendants and those served on the MWL and the IIRO, these indexes would similarly allow the plaintiffs to match the documents produced by the MWL and the IIRO to their document requests served on the Four Defendants.

I declare under the penalties of perjury that the foregoing is true and correct to the best of my knowledge and belief. Executed on October 7, 2015.



ALAN R. KABAT